## CITY OF HOLLYWOOD INTEROFFICE MEMORANDUM

TO: Mayor and Commissioners DATE: May 27, 2020

**FROM:** Douglas R. Gonzales, City Attorney

SUBJECT: Proposed Right of Way Encroachment Agreement with Woolworth

26, LLC. for a cantilever roof overhang and architectural elements projecting within the public rights-of-way at 1903 Hollywood

Boulevard (Twin Peaks Restaurant)

I have reviewed the above referenced Agreement with the participating Department/Office(s), and the proposed general business terms and other significant provisions are as follows:

- 1) Department/Division involved Department of Development Services/Engineering Division
- 2) Type of Agreement Encroachment Permit Agreement
- 3) Method of Procurement (RFP, bid, etc.) n/a
- 4) Term of Contract:
  - a) initial n/a
  - b) renewals (if any) n/a
  - c) who exercises option to renew- n/a
- 5) Contract Amount n/a
- 6) Indemnity/Insurance Requirements Yes, as to indemnity. The indemnity relates back to the issuance of the building permits for the construction of the encroachment into the public right-of-way and shall continue in full force.
- 7) Termination For cause or for convenience.
- 8) Scope of Services As part of the Twin Peaks Restaurant project, the design plan includes a permanent roof overhang consisting of beams as part of the cantilever roof attached to the building structure along with removable timber wood brackets, removable decorative brackets, and removable gutters and downspouts, on part of the building. Woolworth, LLC. is the owner of the subject property and on behalf of its tenant, desires to enter into this Agreement.
- 9) Other Significant Provisions: (a) Woolworth, LLC. will be solely responsible for ensuring such structures remain in good and safe condition and the City assumes no liability with regard to injuries caused by others by failure of owner to meet this requirement; (b) in the event the

building structure is modified, this encroachment permit shall be null and void and the new building shall no longer encroach on the right-of-way.

cc: Dr. Wazir Ishmael, City Manager